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Number

in the

Supreme Court of the United States

October 7, 1996, Term

Harry P. Miller,
Plaintiff-Petitioner,

against

Larry Silverstein et al.,
Defendants-Respondents,

on petition for writ of certiorari
to the United States Court of Appeals
for the Second Circuit

PETITION FOR WRIT OF CERTIORARI

The lower courts failed to address complaints of the petitioner but issued orders claiming assassination is a power vested in the Presidency or Congress of the United States of America; wherefore a writ of certiorari is compelled.

Harry P. Miller, pro se
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22 pp

QUESTIONS PRESENTED

I Is the Presidency of the United States of America vested authority to assassinate: secretly order deaths of natural persons without process of war or law?

II Is the Congress of the United States of America vested authority to assassinate: secretly declare war?

III Is the Judiciary of the United States of America vested authority to sanction assassination: secretly promote murder by some process of law?

IV Was the matter of Miller v Silverstein properly removed from the Supreme Court of the State of New York County of Queens to the United States District Court Eastern District of New York by United States Attorney Zachary W. Carter?

V Was the matter of Miller v Silverstein properly heard by the United States Court of Appeals for the Second Circuit?

VI How many American soldiers abandoned in Southeast Asia, and how many children, grandchildren, wives and parents of American soldiers "returned to Hanoi," have died in the Socialist Republic of Vietnam since Miller v Silverstein was moved to the Federal courts?

VII Did the courts address any of the complaints filed?

VII Did any of the judges below understand the plaintiff's complaints?

VIII Did any of the judges below attempt to clarify matters they say they may have misapprehended?

IX Did the judges below behave competently?

X What happened to the initial presentation of this petition received in United States First Class Mail EXPRESS number EI865674241US in the office of the Clerk of the Supreme Court of the United States 25 September 1997?

XI Will any people have impunity to kill without due process of war or law?

PARTIES

Harry P. Miller, Plaintiff-Petitioner,
pro se 718-896-3037

Harry P. Miller
Post Office Box 750074
Forest Hills NY 11375; and

Larry Silverstein, deceased Defendant,
represented by 212-683-3800

Leon Mandel, Esq.
Dinkes & Morelli
112 Madison Ave.
New York NY 10016; and

New York City, Defendant-Respondent,
represented by 212-788-0874

Elizabeth I. Freedman, Esq.
Office of Corporation Counsel of the
City of New York
100 Church Street
New York NY 10007; and

WNBC TV Channel 4, Defendant Respondent,
represented by 212-664-4017

Lynn B. Oberlander, Esq.
NBC Legal Department
30 Rockefeller Plaza
New York NY 10112; and

H. Ross Perot, Defendant-Respondent,
represented by 516-747-0300

Loretta M. Gastwirth, Esq.
Metzer, Lippe, Goldstein, Wolf and Schlissel, P.C.
190 Willis Avenue
Mineola NY 11501; and

Richard M. Nixon, deceased Federal Defendant,
and
John W. Vessey, Federal Defendant-Respondent,
and
Collin L. Powell, Federal Defendant-Respondent,
and
William J. Clinton, Federal Defendant-Respondent,
represented by 212-514-2218

Hon. Seth P. Waxman
Acting Solicitor General of the United States
Room 5614
Department of Justice, attention Emily Spadoni
950 Pennsylvania Avenue, N.W.
Washington DC 20530-0001

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On petition for writ of certiorari to the
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PETITION FOR WRIT OF CERTIORARI

To the Justices of the Supreme Court of the United States comes now Harry P. Miller, plaintiff in the matter of Harry P. Miller against Larry Silverstein, New York City, WNBC TV Channel 4, H. Ross Perot, Richard M. Nixon, John W. Vessey, Collin L. Powell, and William J. Clinton, number 009528-93 in the Supreme Court of the State of New York County of Queens, number 93-CV-2871 in the United States District Court Eastern District of New York, and number 96-6303 in the United States Court of Appeals for the Second Circuit to affirm under penalty of perjury that:

Summary Order 96-6303 filed September 9, 1997, in ~~the District Court~~ does not address any of the plaintiff's-petitioner's complaints in the lower courts. The order states that the Honorables Thomas J. Meskill, Dennis Jacobs and Edward R. Korman together with the Honorable Carol Bagley Amon found the complaints "difficult to decipher" and then falsely states that "Miller alleged that the proceeds [of heroin distribution by Silverstein's codefendants] are used for such purposes as covering up the 'Watergate Scandal' and buying the 'cooperation' of the NYC Police Department." None of the allegations of crimes presented in the order had ever been presented as torts against the petitioner. None of the complaints filed are even mentioned in the order.

The complaints filed by the plaintiff-petitioner were that agents and Police Officers of the New York City Police Department had assaulted and robbed the plaintiff on two occasions. The codefendant City of New York, State of New York, vitiated criminal charges against its agents by filing obviously perjured depositions. And the City and State refused to accept valid complaints against their Police Officers. Codefendant Silverstein had made harassing anonymous telephone calls to 718-896-3037, traced back by the telephone company, bragging about how uniformed Police Officers helped plainclothes Police Officers escape from the second theft and assault. The codefendant National Broadcasting Company, a criminal conspirator in crimes of the codefendants being videotaped by the petitioner, assisted in violating the petitioner's rights by broadcasting a libel to assist in frightening witnesses to the assaults. The Federal codefendants and Perot had been mentioned in the original civil complaint as principals in the incidental crimes.

The original complaint was improperly moved to the District Court by Zachary W. Carter, United States Attorney for the Eastern District of New York. The petitioner had informed the Justice Department of murders of Federal officers and other crimes witnessed by him in 1969. Special Agent John W. Robinson of the Manhattan Office of the Federal Bureau of Investigation told the petitioner that the murders and other crimes of officers of Richard M. Nixon witnessed by the petitioner are sanctioned by the Justice Department of the United States. In the District Court the plaintiff-petitioner formally charged that the codefendants crimes include giving aid and comfort to enemies of the United States of America by deliberately abandoning to them loyal soldiers of the United States whom the plaintiff had been ordered to deploy in combat against them; and by deliberately abandoning to them enemy held American Prisoners Of War falsely reported upon by the petitioner's Commanding Officers.

The plaintiff-petitioner filed evidence in the District Court that reports of Company D, 151st Infantry, and of the 75th Ranger Regiment have been falsified so as to conceal relevant facts. Proof is constituted by the "combat photography" and false narratives filed in the National Archives of the United States of America from which was taken the photograph on the cover of the 1992 August issue of *Vietnam* magazine (ISSN 1046-2902, Vol. 5, No. 2) published by Col. Harry G. Summers, USA Retired. Director of the movie from which the falsified history was developed for Col. Summers and others, Lt. James E. Johnson O2335807/314-42-1938, produced it as a training film. Most of the Sergeants and commissioned Officers involved have survived to testify. Lt. Johnson was the petitioner's Platoon

Leader. The falsified history replaced reports on operations during which the petitioner was ordered to murder citizens of the United States and the future Deputy Commanding General of Forces Command for whom Col. Oliver North would carry addictive drugs on Southern Air Transport, Kenneth Himsel, was assigned as an Operations Officer of 4th Infantry Division. Lt. Johnson told the petitioner that a Clerk of Court rather than General Himsel, their former and subsequent Commanding Officer, was responsible for the drug distribution operation established in the Company compound of D, 75th Inf., while he and the petitioner were serving together at the small compound in Vietnam. Distributors of the drugs claim they have established and maintain control of American courts by supplying families of judges, district attorneys, and clerks with illicit addictive substances.

The plaintiff-petitioner in Federal jurisdiction contended that betrayal of his agents and agency constitute torts against the petitioner. The Order 93-CV-2871 dated Brooklyn, New York, November 5, 1996, in the United States District Court Eastern District of New York, falsely attributes fantasies of the Honorable Carol Bagley Amon to the plaintiff-petitioner and was subject of the appeal. Its analysis is contradictory to the filings and said Federal District Court decision parses so as to claim no evidence of murder may be tried by any court if to do so might question authority of the United States Congress to sanction assassinations. These points were presented to the Court of Appeals by the petitioner; but they are not mentioned in the Summary Order 96-6303.

No people will have immunity to kill without due process of war or law.

The plaintiff-petitioner was never notified of the "stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the ninth day of September one thousand nine hundred and ninety-seven" and did not appear as falsely claimed in Summary Order 96-6303. The Judges' misfeasance helped codefendants Perot and Clinton in betrayal of families of loyal American soldiers not brought to San Francisco in June, 1997, by Perot and Col. R. A. Jones, USA Retired. The Judges' order falsely says "Miller's appeal is frivolous." Officers who betrayed the soldiers deliberately inserted falsely implicated agents of the United States of America as partially divulged in Library of Congress book cataloged number 96-34556, *SOG: the secret wars of America's commandos in Vietnam*; and they are now taking advantage of similar current destabilization of Vietnamese society to secure commercial concessions for commercial corporations by which they are ultimately retained. The costs are horrible deaths for children of loyal American soldiers and loss of jobs for U.S. citizens displaced by slave labor in Vietnam.

Statement of Jurisdiction by Constitutional Provision

The Supreme Court of the United States is established to exercise jurisdiction over decisions out of the accepted course of judicial proceedings by Article Three of the U.S. Constitution.

Statement of Case

The lower courts failed to address complaints of the petitioner but issued orders claiming assassination is a power vested in the Presidency or Congress of the United States of America; wherefore a writ of certiorari is compelled. Mss Ruth Jones 202-479-3011 told the petitioner Monday, 30 September 1997, that the office of the Clerk of Court, Supreme Court of the United States, has lost the petition and has mailed advice to the petitioner. It has not been delivered.

Reasons for Allowance of Writ

Civil complaints of injuries inflicted upon the petitioner were moved to the Federal courts in 1993 but never tried. The misfeasance has fostered crimes and more torts.

People claiming to be veterans of the petitioner's Regiment or of Special Forces of the Army of the United States have been and still are paid to commit private murders because of myth they would be experienced in assassinations sanctioned by the government of the United States and know how to invoke police suppression of evidence and witnesses. Some actual veterans have been found guilty of such murders. And officers of the United States have told members of the petitioner's Regiment that specific orders for commission of murders were passed from "the highest authority." The authority was previously attributed to executive orders of the President of the United States. But the judicial orders can now be cited. A specific law is now required to establish no U.S. citizen may be assassinated under laws of the United States.

Other observations of pertinent facts witnessed by the plaintiff are presented by:

Don C. Hall and Annette R. Hall,
I Served: F Co. airborne long range patrol 51st Inf. Republic of Vietnam 25 Sep 67 - 1 Feb 69,
A.D.Hall Publishing Co., a division of Argus, Inc.
15600 N.E. 8th Street, #B1-241
Bellevue WA 98008
©1994;

John L. Plaster, veteran of Studies and Observations Group,
SOG: the secret wars of America's commandos in Vietnam,
ISBN 0-684-81105-7 and Library of Congress 96-34557;

Gary Douglas Ford,
4 4: a LRP's narrative,
ISBN 0-8041-0913-3 and Library of Congress 92-97071;

Larry Chambers,
Recondo: LRRPs in the 101st Airborne,
ISBN 0-8041-0843-9 and Library of Congress 92-90153.

The complaints of injuries to the petitioner and incidental allegations of crime are proved by surviving witnesses, videotapes, photographs, public records and published memoirs of unquestioned pertinent authority. Suppression of evidence by the District Court seems to evidence criminal collusion there. Fantastically filed "facts" established by the District Judge's order were never presented as claimed. The District Court's order might have simply seemed silly behavior of an addict; but it sanctions assassination.

The Court of Appeals has so far departed from accepted course of law in sanctioning the District Court's misfeasance as to undermine authority of the United States. The government may have no more power to assassinate than do its citizens. Americans cannot allow government that fails to maintain rights and ordinary protection of life and reasonable order. The order and safety attainable under a government that is unquestionably known to assassinate is seen in Israel. And the *Constitution of the United States* does not claim the authority of Yahweh, but of the people.

However fantastic the Judges might wish reports of Federal assassinations to be: a large and lucrative genre of fiction is sold on basis of the fact that many rational people do believe that officers of the United States of America actually do order assassinations. No one can believe the Judges do not know President John F. Kennedy tried to have Federal officers as well as notorious criminals murder Commandante Fidel Castro. Everyone knows that pretense to the contrary will foster criminal misfeasance by Federal agents. However inaccurate some accounts might be the vast majority of people who know anything about the proprietary airlines of the United States of America know for a moral certainty that Air America, Byrd Air, Southern Air Transport and others carried illicit addictive drugs. Most realize Federally sanctioned murders are involved. A credible trial of the "fantastic" allegations published in the lower court orders of Miller v Silverstein for notorious director of soldiers of fortune, defendant H. Ross Perot, is necessary to prevent every resident of North America from believing any private enemy can find a soldier of fortune able to professionally murder under protection of his police contacts.

In June, 1997, defendant H. Ross Perot and Col. R.A. Jones (United States Army, Retired) claimed to be completing last United States operation of the Vietnam Conflict by presiding over "return to Hanoi" of all but fifty-nine surviving American Partisans who sought refuge in Hong Kong. The point was presented to the United States Court of Appeals in Miller v Silverstein by the plaintiff-petitioner. Deliberate acquiescence through silence of the Judiciary for betrayal of American soldiers by private citizens as self proclaimed agents of codefendant Clinton and State Department cannot be allowed.

The Summary Order 96-6303 September 9, 1997, truly transcribed in the following Appendix falsely states "Miller alleged that the proceeds [of the codefendants' crimes] are used for such purposes as covering up the 'Watergate scandal' and buying the 'cooperation' of the NYC Police Department." The allegation is a fantasy of the judges. Nobody heard the petitioner make that allegation. But some of the witnesses and many other people have been told by the petitioner that the proceeds of addictive drugs distributed under security of Federal assassinations are used for illegal Federal Campaign Fund contributions.

The original complaints in Miller v Silverstein were of assaults and batteries and robberies witnessed by more than a dozen bystanders who also saw Police Officers involved. Actual witnesses were not allowed to file administrative police complaints. Criminal charges were obviously deliberately sabotaged by Police Officers with District Attorney Brown. All of the witnesses now believe deliberate crimes of the Police and District Attorneys are

involved. Failure to address the complaints filed in the civil courts will prove fundamental corruption of established order and law.

WHEREFORE the Supreme Court of the United States is petitioned to order the records of Miller v Silverstein et al. be delivered to it, the complaints and questions tried, and the defendants pay the plaintiff-petitioner forty-nine million dollars and interest of nine percent per annum since July, 1993.

Instances of the plaintiff's-petitioner's fiat having been delivered to the Clerk of Court, Supreme Court of the United States, on certified affidavits of service and the original submission of this petition the twenty-fifth day of September nineteen hundred ninety-seven, this amended replacement of the forty-one petitions lost by the Office of the Clerk is

resubmitted under penalty of perjury,

Harry P. Miller

Harry P. Miller, pro se
Post Office Box 750074
Forest Hills NY 11375-0074
718-896-3037.

EDNY-bkny
93-cv-2871
Amon, J.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECE DENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the ninth day of September one thousand nine hundred and ninety-seven.

Present:

Hon. Thomas J. Meskill,
Hon. Dennis Jacobs,
Circuit Judges.
Hon. Edward R. Korman,
District Judge.*

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*Of the United States District Court, Eastern District of New York, sitting by designation.

FILED
- -x SEP 9 1997
GEORGE LANG III, CLERK

Harry P. Miller,

Plaintiff-Appellant,

v. 96-6303

Larry Silverstein, et al.,

Defendants-Appellees.

- -x

APPEARING FOR APPELLANT: Harry P. Miller, pro se, Forest Hills, New York.

APPEARING FOR APPELLEES Richard M. Nixon, John W. Vessey, Colin L. Powell and William J. Clinton: Zachary W. Carter, United States Attorney for the Eastern District of New York, Brooklyn, New York.

APPEARING FOR APPELLEE New York City: Elizabeth I. Freedman, Assistant Corporation Counsel of the City of New York, New York, New York.

[<page 1 of original | -2->]

APPEARING FOR APPELLEE H. Ross Perot: Loretta M. Gastwirth, Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C., Mineola, New York.

APPEARING FOR APPELLEE WNBC TV Channel 4: Lynn B. Oberlander, NBC Legal Department, New York.

APPEARING FOR APPELLEE Larry Silverstein: Larry [sic.] Mandel, Dinkes and Morelli, New York, New York.

Appeal from the United States District Court for the Eastern District of New York.

This cause came on to be heard on the transcript of record from the United States Court for the Eastern District of New York (Amon, J.), and was submitted.

ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judgment of said District Court be and it hereby is affirmed.

In July 1993, Miller, a Vietnam veteran, filed an amended complaint[1] in district court against Larry Silverstein, the alleged owner of "Runway 69," a Queens dance club, WNBC-TV Channel 4 television station ("WNBC"), the City of New York ("NYC"), President Clinton, former President Richard Nixon, H. Ross Perot, John W. Vessey and Colin Powell. Although difficult to decipher, the gravamen of Miller's complaint is that the named defendants committed or aided others in committing illegal acts, beginning amidst the Vietnam War, in furtherance of a conspiracy to distribute heroin. He asserted that the defendants are still engaged in heroin trafficking today and that "Goldfingers International," a business that

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[1]In April 1993, Miller commenced his action in a state court. The action was subsequently removed to the district court and in July 1993, Miller filed an amended complaint, which incorporates his first complaint.

supplies nude dancers to nude dance clubs, is laundering the proceeds of the conspiracy through "Runway 69." Miller alleged that the proceeds are used for such purposes as covering up the "Watergate scandal" and buying the "cooperation" of the NYC Police Department.

Based on his allegations, Miller asked for $49 million in damages as well as a myriad of court orders, such as one providing that "no President or officer of the United States of America has ever been authorized to order the death of any person without due process of war or law" and that "no executive order of the President can provide due process for assassinations."

[<page -2- of original | -3->]

In January 1994, all of the defendants moved to dismiss Miller's complaint. In a 28-page order the court granted each of the defendants' motions and dismissed all of Miller's claims pursuant to Fed. R. Civ. P. 12(b)(6). Miller appeals.

This Court has the "inherent authority, wholly aside from any statutory warrant, to dismiss an appeal . . . as frivolous when the appeal . . . presents no arguably meritorious issue for [its] consideration." Pillay v. INS, 45 F.3d 14, 17 (2d Cir. 1995). A case is deemed frivolous if it is "based on an indisputably meritless legal theory," or presents "clearly baseless" factual contentions. Neitzke v. Williams, 490 U.S. 319, 327 (1989). A finding of factual frivolousness is appropriate when the facts alleged "rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them." Denton v. Hernandez, 504 U.S. 25, 26 (1992); see Neitzke,

490 U.S. at 328 (factual frivolous allegations include "claims describing fantastic or delusional scenarios").[2]

Because Miller's appeal is frivolous, we affirm the decision of the district court.

For the reasons set forth above, the judgment of the district court is hereby **AFFIRMED**.

[autograph signature of]
Thomas J. Meskill, U.S.C.J

[autograph signature of]
Dennis Jacobs, U.S.C.J

[autograph signature of]
Edward R. Korman, U.S.D.J

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[2]This Court is free to affirm the district court on grounds not relied upon by district court. Alfaro Motors, Inc. v. Ward, 814 F.2d 883, 887 (2d Cir. 1987). A district court's dismissal of a claim under Rule 12(b)(6) is reviewed de novo. See Leeds v. Meltz, 85 F.3d 51, 53 (2d Cir. 1996).